

# HOUSE . . . . . No. 800

By Mr. O'Brien of Kingston, petition of Thomas J. O'Brien for legislation to provide immunity from liability to public officials and public employees who testify before legislative committees. The Judiciary.

## The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

### AN ACT RELATIVE TO LEGISLATOR AND PUBLIC EMPLOYEE IMMUNITY FROM CIVIL ACTIONS.

1     *Whereas*, The legislature finds that the threat of civil action for  
2 damages can act as a deterrent to public employees and legislators  
3 who wish to testify on violations of local, state, or federal law or  
4 regulations by a person or entity before the legislature. The costs  
5 of defending against such suits can be severely burdensome. The  
6 purpose of this act is to provide and further clarify protection of  
7 legislators and public employees who make good-faith testimony  
8 before legislative committees.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1     Section 2, Chapter 258 of the General Laws is hereby amended  
2 after Section 2 by adding the following section:—  
3     Section 2A. A public employee as defined in MGL 149,  
4 Section 185, or a member of the Massachusetts legislature in the  
5 performance of their official duties, who in good faith, reports an  
6 action or a violation of an ordinance, regulation or law of a  
7 municipal corporation, quasi-municipal corporation, county, state,  
8 or federal government shall be immune from civil action for dam-  
9 ages arising out of disclosure or a result of disclosure.  
10    Any person protected by immunity under section 2 of this act  
11 who is sued in connection with making testimony to the legisla-  
12 ture is entitled to attorney's fees, any damages that may be

13 awarded as a result of such action and costs of defending such an  
14 action and the award of damages as set forth in MGL Chapter 231,  
15 Section 6F.